

U.S. Department of Labor

Office of Administrative Law Judges
50 Fremont Street - Suite 2100
San Francisco, CA 94105

(415) 744-6577
(415) 744-6569 (FAX)



Issue Date: 30 September 2005

CASE NO.: 2005-STA-00039

In the matter of

MICHAEL A. HINDS,
Complainant,

v.

ORE-CAL LIVESTOCK, INC.,
Respondent,

**RECOMMENDED ORDER APPROVING SETTLEMENT AND RECOMMENDING
DISMISSAL**

This case before the Office of Administrative Law Judges ("OALJ") arises either under Section 405 of the Surface Transportation Assistance Act of 1982 ("STAA"); 49 U.S.C § 31105; 29 C.F.R. Part 1978 *et. seq.* On or about January 27, 2005, Complainant Michael A. Hinds filed an individual complaint with the Department of Labor ("DOL") alleging discrimination and a pattern of reprisal on the part of Respondent Ore-Cal Livestock ("Respondent") in violation of the employee protection provisions of the STAA.

On September 7, 2005, I was advised by Respondent's counsel that the parties had reached a settlement in this matter and that a settlement agreement would be submitted for my review and approval. Claimant later confirmed this in writing by letter dated September 20, 2005.

On September 29, 2005, I received a document entitled, "COMPLETE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS" (the "Settlement Agreement") executed by all parties.

I have reviewed the terms of the Settlement Agreement submitted in this case and find the Settlement Agreement to be fair, adequate, and reasonable.

For good cause shown:

I recommend that the Settlement Agreement between Complainant Michael A. Hinds, and respondent Ore-Cal Livestock be **APPROVED**, and this matter be **DISMISSED WITH PREJUDICE**. Accordingly, it is recommended that:

1. The Secretary of Labor or her designees on the Administrative review Board approve the Settlement Agreement; and

2. The claim of Complainant Michael A. Hinds against Respondent Ore-Cal Livestock be dismissed with prejudice.

A

GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California

NOTICE OF REVIEW: The administrative law judge's Recommended Order Approving Settlement, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002). Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Settlement, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.